**THE HONOURABLE SRI JUSTICE V. ESWARAIAH**

**WRIT PETITION No.26381 OF 2005**

**Dated: 09-12-2005**

**Between**

A. Maddamma, D/o. Ramudu, F.P. Shop Dealer, Alamur Village, Rudravaram Mandal, Kurnool District.

...PETITIONER

**AND**

The Joint Collector, Kurnool, Kurnool District and others.

...RESPONDENTS

**ORDER:**

Petitioner seeks a Writ of Mandamus to declare the action of the second respondent in canceling his authorization by order dated 23.11.2005 and the action of the first respondent in not passing any order on his appeal/interlocutory application as illegal and arbitrary.

Learned counsel for the petitioner submits that the petitioner, who belongs to ST and physically handicapped, was appointed as a fair price shop dealer of Alamur Village, Rudravaram Mandal, Kurnool District on 30.09.1998 on permanent basis reserved for BC women and since then she has been distributing the essential commodities without violating any of the terms and conditions of the authorization. While so, some of the villagers reported against the functioning of the petitioner's fair price shop to the Mandal Revenue Officer - the third respondent, who without conducting any enquiry submitted a report to the Revenue Divisional Officer – the second report. Based on the report of the third respondent, the second respondent issued a show cause notice dated 27.12.2002 to the petitioner

directing her to show cause as to why her authorization should not be cancelled.

The petitioner submitted her explanation on 06.01.2003 and also appeared before the second respondent stating that she has not committed any irregularities. Thereafter, the second respondent called for remarks on the explanation submitted by the petitioner from the third respondent. The third respondent submitted his remarks on 15.11.2005 and based on the said remarks alone the authorization of the petitioner was cancelled without giving any further opportunity and without giving any notice to the petitioner. However, as against the said cancellation order dated 23.11.2005 the petitioner filed an appeal along with a stay application on 03.12.2005 before the Joint Collector – the first respondent. The appellate authority has not passed any orders either on the appeal or on the stay application.

This Court is of the opinion that there is prima facie a case that goes to show that principles of natural justice have not been followed in the instant case and as against the show cause notice issued in the year 2002, the cancellation order has been passed in the year 2005.

Having regard to the facts and circumstances of the case,

the writ petition is disposed of directing the first respondent to dispose of the appeal itself in accordance with law after giving reasonable opportunity to the petitioner and till then the cancellation order of the second respondent stands stayed and the petitioner may be permitted to distribute the essential commodities.

_____

V. ESWARAIAH, J

December 9, 2005

DSK